



Docket No.: 248760US0RD CONT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/773,297

Applicants: Yasuo OHBA

Filing Date: February 9, 2004

For: NITRIDE COMPOUND SEMICONDUCTOR  
ELEMENT

Group Art Unit: 2822

Examiner: SOWARD, IDA M.

SIR:

Attached hereto for filing are the following papers:

**Response Under 37 C.F.R. §1.312**

**Page 1 of Form PTO-1449 from IDS filed February 9, 2004, and Date-Stamped filing Receipt  
Reference Designated "AW" in IDS Filed February 9, 2004**

**Form PTO-1449 Date-Stamped August 22, 2002, from Parent 10188,744**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Corwin P. Umbach, Ph.D.

Registration No. 40,211

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)



DOCKET NO: 248760US0RDCONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

YASUO OHBA

: EXAMINER: SOWARD, IDA M.

SERIAL NO: 10/773,297

: GROUP ART UNIT: 2822

FILED: FEBRUARY 9, 2004

: ALLOWED: JULY 31, 2006

FOR: NITRIDE COMPOUND  
SEMICONDUCTOR ELEMENT

:

RESPONSE UNDER 37 C.F.R. § 1.312

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

Further to the Notice of Allowance dated July 31, 2006, Applicants respectfully request that the Examiner acknowledge consideration of the AW reference cited in the Information Disclosure Statement filed February 9, 2004, by appropriately initialing page 1 of the associated Form PTO-1449. For the Examiner's convenience a copy of page 1 of the Form PTO-1449 from the IDS filed February 9, 2004, is attached.

A copy of the AW reference filed February 9, 2004, is also attached.

The AW reference was considered by the Examiner in parent U.S. Application No. 10/188,744. See attached Form PTO-1449 date-stamped August 22, 2002, from 10/188,744 (downloaded from Public PAIR). As noted in M.P.E.P. § 609:

**The examiner *will* consider information which has been considered by the Office in a parent application when examining (A) a continuation application filed Under 37 CFR 1.53(b) .... M.P.E.P. § 609.02.A.2, page 600-143, column 2.**

There are exceptions to this requirement that a copy of the information must be provided. First, 37 CFR 1.98(d) states that a copy of any patent,

publication, pending U.S.-application,-or-other information listed in an information disclosure statement is not required to be provided if: (A) the information was previously cited by or submitted to, the Office in a prior application, provided that the prior application is properly identified in the IDS and is relied on for an earlier filing date under 35 U.S.C. 120; and (B) the IDS submitted in the earlier application complies with 37 CFR 1.98(a)-(c). **If both of these conditions are met, the examiner will consider the information previously cited or submitted to the Office and considered by the Office in a prior application relied on under 35 U.S.C. 120. M.P.E.P. § 609.04(a).II, page 600-147, column 2.**

Because both of these conditions are met, Applicants respectfully request that the Examiner acknowledge consideration of the AW reference in the above-identified application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Corwin P. Umbach, Ph.D.  
Registration No. 40,211

Attached:

Page 1 of Form PTO-1449 from IDS filed February 9, 2004, and date-stamped filing receipt  
Reference designated "AW" in IDS filed February 9, 2004  
Form PTO-1449 date-stamped August 22, 2002, from parent 10/188,744

Customer Number

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(OSMMN 08/03)



OSMM&N File No. 248760US0RD CONT

Dept.: CHEMICAL  
By: NFO/CPU/wmb

Serial No. \_\_\_\_\_

In the matter of the Application of: Yasuo OHBA

For: NITRIDE COMPOUND SEMICONDUCTOR ELEMENT

Due Date: **FEBRUARY 8, 2004**

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 30 pp. Specification 20 Claims/Drawings 8 Sheets and  
2 Pages Application Data Sheet
- Combined Declaration, Petition & Power of Attorney 3 Pages
- Utility Patent Application Transmittal
- Request for Priority
- Check for \$770.00
- Dep. Acct. Order Form
- Fee Transmittal Form
- Information Disclosure Statement
- PTO-1449 (3)
- White Advance Serial Number Card
- Preliminary Amendment (7 pp.)



Mail Date 8/24/2006  
Cancel

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AUG 24 2006  
PATENT & TRADEMARK OFFICE

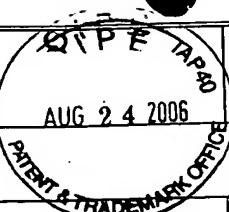
SHEET 1 OF 1

Form PTO 1449 (Modified)			ATTY DOCKET NO. 225255USORD	SERIAL NO. 10/188,744			
LIST OF REFERENCES CITED BY APPLICANT			APPLICANT Yasuo OHBA				
			FILING DATE July 5, 2002		GROUP 2811		
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
AA		6,242,764	06/05/2001	Y. OHBA, et al.			
AB		5,990,495	11/23/99	Y. OHBA			
AC		5,656,832	08/12/97	Y. OHBA, et al.			
AD		5,909,040	06/01/99	Y. OHBA, et al.			
AE		5,929,466	07/27/99	Y. OHBA, et al.			
AF							
AG							
AH							
AI							
AJ							
AK							
AL							
AM							
AN							
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION		
	AO	2000-31588	01/28/2000	JAPAN (with English Abstract)	YES	X	
	AP						
	AQ						
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW	Y. OHBA, et al., Japanese Journal of Applied Physics, Vol. 37 Part 2, No. 8A, pps. L 905-L 906, "FABRICATION AND CHARACTERIZATION OF AlGaN/GaN DOUBLE-HETEROLASER STRUCTURES ON SAPPHIRE SUBSTRATES USING SINGLE CRYSTALLINE AlN BUFFER LAYERS," August 1, 1998					
	AX						
	AY						
	AZ	<input type="checkbox"/> Additional References sheet(s) attached					
Examiner	J. MONDT	Date Considered 02/05/03					
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Form PTO 1449  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

## LIST OF REFERENCES CITED BY APPLICANT

ATTY DOCKET NO. 248760US0RDCONT	SERIAL NO. New Continuation of 10/188,744
APPLICANT Yasuo OHBA	
FILING DATE Herewith	GROUP



## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	4,792,958	12/20/88	OHBA, et al.			
	AB	4,809,287	02/28/89	OHBA, et al.			
	AC	4,835,117	05/30/89	OHBA, et al.			
	AD	4,949,349	08/14/90	OHBA, et al.			
	AE	4,910,743	03/20/90	OHBA, et al.			
	AF	4,928,285	05/22/90	KUSHIBE, et al.			
	AG	4,893,313	01/09/90	HATAKOSHI, et al.			
	AH	5,076,800	12/31/91	MILNES, et al.			
	AI	5,036,521	07/30/91	HATAKOSHI, et al.			
	AJ	5,168,077	12/01/92	ASHIZAWA, et al.			
	AK	5,042,043	08/20/91	HATANO, et al.			
	AL	5,005,057	04/02/91	IZUMIYA, et al.			
	AM	5,079,184	01/07/92	HATANO, et al.			
	AN	5,103,271	04/07/92	IZUMIYA, et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION
					YES      NO
	AO	2000-31588	01/28/00	JAPAN	
	AP				
	AQ				
	AR				
	AS				
	AT				
	AU				
	AV				

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

AW	Y. OHBA, et al., Japanese Journal of Applied Physics, Vol. 37 Part 2, No. 8A, pp. L 905 - L 906, "FABRICATION AND CHARACTERIZATION OF AlGaN/GaN DOUBLE-HETEROLASER STRUCTURES ON SAPPHIRE SUBSTRATES USING SINGLE CRYSTALLINE AlN BUFFER LAYERS," August 1, 1998.
AX	
AY	
AZ	<input type="checkbox"/> Additional References sheet(s) attached

Examiner

Date Considered

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.